THE TRIBAL AREAS REGULATION, 1359 F. No. III OF 1359 FASLI.

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*THE TRIBAL AREAS REGULATION, 1359 FASLI.
No. III of 1359 F.

WHEREAS it is expedient to provide for the better administration of the tribal areas in the Hyderabad State ;

NOW, THEREFORE, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Tribal Areas Regulation, 1359 Fasli.

(2) This section shall come into force at once and the remaining provisions of this Regulation shall come into force in such areas and from such dates as Government may by notification in the Jarida direct.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context—

(*a*) " Agent " means the person appointed by Government to be the Agent for a notified tribal area or where no person is so appointed the Taluqdar of the district in which such area is situate ;

(*b*) "Assistant Agent " means the person appointed by Government to be the Assistant Agent for a notified tribal area or any part thereof or where no person is so appointed the Second Taluqdar of the division in which such area or part is situate ;

(*c*) " notified tribal area " means an area in which this Regulation is for the time being in force ;

(*d*) " prescribed " means prescribed by or under rules made under this Regulation ;

(*e*) " tribal " when used as a noun means a member of a tribe in a notified tribal area, and " non-tribal " means a person who is not a tribal ;

(*f*) " tribe " means Bhils, Chenchus, Gonds, Hill Reddies, Kolams Koyas, Naikpods, Pardhans, Totis, and includes all subdivisions of these tribes and in relation to any notified tribal area includes also any other tribe which Government may by notification in the Jarida declare to be a tribe for the purposes of this Regulation in that area ;

(*g*) an expression defined in section 2 of the Land Revenue Act (VIII of 1317 F.), shall have the meaning assigned to it in the said section.

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Power to exclude or modify application of laws to notified tribal areas.

3. Notwithstanding anything contained in any law for the time being in force Government may, by notification in the Jarida, direct that any Act, Regulation, or Rule for the time being in force in the Hyderabad State shall not apply to any notified tribal areas specified in the notification or shall apply thereto with such omissions and modifications as may be so specified.

Power to make rules.

4 (1) Government may, by notification in the Jarida, make such rules as appear to them to be necessary or expedient for the better administration of any notified tribal area in respect of tribals and of their relations with non-tribals.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) such rules may provide for all or any of the following matters, namely—

(*a*) barring the jurisdiction of courts of law or revenue authorities in any dispute relating to lands, houses or house sites occupied, claimed, rented or possessed by any tribal, or from which any tribal may have been evicted, whether by process of law or otherwise, within such period preceding the notification bringing this Regulation into force in the area concerned as may be specified in the rules ;

(*b*) the transfer to the Agent of all suits or proceedings pending before any court of law or revenue authority for the eviction of any tribal from lands cultivated by him or from a house or house site occupied by him in any notified tribal area and manner in which the Agent shall deal with such suits or proceedings ;

(*c*) the cancellation of any decrees or orders which were passed by a court of law or revenue authority within such period preceding the notification bringing this Regulation into force in the area concerned as may be specified in the rules and which adversely affect the rights of a tribal in any land or house or house site, and, if any such decree or order has already been executed, the procedure, according to which the Agent shall restore the position obtaining before such execution ;

(*d*) the vesting in the Agent or Assistant Agent of all Civil and revenue jurisdiction in cases involving the rights of any tribal in any land, house or house site situate in any notified tribal area, the powers to be exercised by the Agent and Assistant Agent for this purpose (which may include the powers of any revenue or forest officer in revenue and forest matters) and of any court subordinate to the High Court in civil matters and the summary or other procedure in accordance with which such powers shall be exercised ;

(*e*) authorising the Agent or Assistant Agent of a notified tribal area to try any criminal offence in which a tribal is involved as a party not being an offence punishable with death or imprisonment for life or for a period extending to 10 years, and prohibiting legal practitioners from appearing in any such trial without the permission of the Agent or Assistant Agent ;

(*f*) prohibiting the grant of patta right over any land in any notified tribal area to a non-tribal and empowering the

Agent to cancel or revise any title in land granted to a non-tribal in any notified tribal area during a specified period preceding the coming into force of this Regulation therein, or to order exchange of lands by way of compensation or settlement, and to eject any person from any land or to place any person in possession of any land in accordance with his decision ;

(*g*) prohibiting the sale in execution of any decree or order of a civil or revenue court whether made before or after the coming into force of this Regulation in the area concerned of land for the time being cultivated by a tribal or in respect of which a tribal claims that he has a right to hold it, the cancellation of all such sales not finally confirmed before the coming into force of this Regulation in the area concerned and the manner in which all such cases shall be disposed of by the Agent ;

(*h*) authorising the agent—

(*i*) after consulting the Director of Forests to recommend to Government the revision or cancellation of any forest settlement made under the Hyderabad Forest Act, 1355 Fasli; and

(*ii*) to exclude land from a reserved forest without reference to Government if the area to be excluded does not exceed a prescribed limit and the Divisional Forest officer concurs in the exclusion ;

(*i*) authorsing the Agent to dismiss summarily any Official of any Government department working in a notified tribal area and drawing a salary not exceeding such limit as may be prescribed if he is satisfied that the official has been guilty of abusing his position by illtreating any person or demanding unlawful gratification in the exercise of his official duties ;

(*j*) authorising the Agent to extern from a notified tribal area any non-tribal if, for reasons to be recorded in writing, he is satisfied that his presence in such area is likely to be detrimental to the interests of the tribals ;

(*k*) the abolition of Patel and Patwari Watans in any notified tribal area, the replacement of non-tribal village officers by tribal village officers, the payment of reasonable compensation to the replaced non-tribals and the appointment of village officers on such remuneration and subject to such conditions as may be prescribed ;

(*l*) controlling money-lending in a notified tribal area and in particular—

(*i*) prohibiting any person from engaging in the business of money-lending otherwise than under and in accordance with a condition of a licence ;

(*ii*) prescribing the authorities by which such licence shall be issued, the conditions to be entered therein (including conditions in regard to the rate of interest), the maintenance of accounts and the furnishing of receipt ;

(*iii*) prohibiting absolutely the transaction of the business of money-lending in any notified tribal area in respect of which

Government are satisfied that adequate provision for rural credit has been made through the medium of Government Co-operative Societies or otherwise ;

(*iv*) instituting arrangements for the compulsory settlement of outstanding debts owed to money-lenders by tribals ;

(*m*) the constitution of Panchayats and the entrustment to Panchayats so constituted or to Panchayats constituted under the Panchayats A'in of such criminal and civil jurisdiction and such social duties as may be prescribed.

(3) The rules made under sub-section (1) may further—

(*a*) provide for the procedure to be followed in the disposal of cases under this Regulation, and prescribe a summary procedure for the trial of criminal offences ;

(*b*) confer powers and impose duties upon any Government officer as respects any matter ;

(*c*) permit or prohibit applications for the transfer of proceedings under this Regulation and appeals from or the review or revision of orders made thereunder, and where such applications appeals review or revision are permitted prescribe the authorities by whom and the conditions under which and the mode in which powers to transfer proceedings, to entertain appeals and to review or revise orders shall be exercised ;

(*d*) provide that any contravention of, or any attempt to contravene, and any abetment of, or attempt to abet, the contravention any of the provisions of the rules or of any order issued under any such provision or of any condition of any licence so issued shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(4) Government may by order direct that any power or duty which by rule under sub-section (1) is conferred or imposed upon Government shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged by any other authority.

Effects of rules inconsistent with other enactments.

5. Any rule made under Section 4, and any order made under such rule, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Regulation or in any instrument having effect by virtue of any enactment other than this Regulation.

Saving as to orders.

6. (1) No order made in exercise of any power conferred by or under this Regulation shall be called in question in any court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Regulation a court shall, within the meaning of the Hyderabad Evidence Act, 1313F., presume that such order was so made by that authority.

7. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Regulation or of any rule made thereunder. Protection of action taken under the Regulation.

(2) Save as otherwise expressly provided under this Regulation, no suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything done or intended to be done in pursuance of this Regulation or of any rule made thereunder.

8. The Tribal Areas Regulation, 1356 Fasli, is hereby repealed. Repeal.